

Serial No. 10/706,617

REMARKS

Claims 1-16 and 20-25 are pending in the instant application after this amendment cancels claims 17-19 and adds new claims 23-25. Claims 9 and 14 are amended herein to clarify the recited subject matter. No new matter is added by the amendments and new claims, which find support throughout the specification and figures. In particular, the concept of density as recited in the new claims is supported at least in figures 1, 3, 4, 7, and 8, and in references to buoyancy in the specification at paragraphs 0079, 0091, and 0092 of the published application. In view of the following remarks, favorable reconsideration of this case is respectfully requested.

Claim 9 is objected to for an informality, and has been amended as suggested by the Examiner. Claim 14 is objected to as being unclear in regard to the two distinct references to an "object" in the claim. Claim 14 is amended herein to respond to the objection, and to clarify that both references are to the same predetermined object. Applicants therefore respectfully request that the objections be withdrawn.

Claims 17-19 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The cancellation of claims 17-19 obviates this rejection.

Claims 1, 3-6, 9, 10, 12-14, 16, and 20-22 (claims 17-19 having been canceled) are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,253, 218 to Aoki et al. (hereinafter referred to as Aoki) in view of United States Patent Publication No. 2002/075322 to Rosenzweig et al. (hereinafter referred to as Rosenzweig). Applicants respectfully traverse.

Claim 1 is directed to a file processing apparatus that includes, *inter alia*, an attribute input unit which acquires a value of an attribute for at least one file *in order to represent a value of a predetermined attribute for an intended file by using a concept of weight* and a comparison processing unit which compares the value of an attribute with a reference value. The file

Serial No. 10/706,617

processing apparatus of claim 1 also includes a position determining unit which sets, based on a result obtained from said comparison processing unit, *a relative display position of a predetermined object that represents symbolically the weight*, and a display processing unit which *visually represents the value of the attribute in terms of whether the weight is heavy or light*, by displaying the object at the display position on a screen set by said position determining unit.

The Examiner now admits that Aoki does not expressly teach the concept of weight, nor more particularly determining the concept of weight such that an object appears light or heavy (Office Action; page 5, lines 4-5). The Examiner asserts that Rosenzweig discloses the claimed concept of weight in figures 1-9 and the summary of the invention. However, these sections of Rosenzweig only appear to disclose that the objects representing files are sized proportionate to the number of an image files, and do not disclose the concept of weight as claimed. The *proportionate sizing of an object based on a number of files does not disclose visually representing the value of the attribute in terms of whether the weight is heavy or light*. In Rosenzweig, the objects are apparently small or large, and devoid of the concept of weight. Furthermore, Rosenzweig apparently discusses proportionate sizing according to the *number of files*, and not *a predetermined attribute for an intended file*, as recited in the claim. Therefore, for at least these reasons, claim 1 is allowable.

Additionally, there is no indication of a relative display position of a predetermined object that represents symbolically the weight. The Examiner cites Aoki as disclosing this feature (Office Action; page 4, lines 17-20). However, the cited sections of Aoki apparently discuss a data model positioning system that places data partitions based on a date of creation, and not based on a symbolic weight. Aoki displays a file as shown in figure 2, where the X axis direction

Serial No. 10/706,617

represents the categories and the Z axis direction (depth direction) represents the dates.

Computing the Z coordinate in accordance with the date value as in Aoki does not represent the use of "a concept of weight". Furthermore, the Office Action admits that Aoki does not expressly teach the concept of weight (Office Action; page 5, lines 4-5). The addition of Rosenzweig fails to cure the critical deficiency discussed above as regards the feature of a relative display position of a predetermined object that represents symbolically the weight. In Rosenzweig, the display position is apparently *based on a position in a timeline*, and does not relate to weight nor is the display position related to the attribute as compared to a reference value. Thus, neither references discloses or suggests a position determining unit as recited in claim 1 which sets a relative display position of a predetermined object, based on a comparison of the value of an attribute with a reference value, *the relative display position of the predetermined object representing symbolically the weight*. Therefore, Applicants respectfully request that the rejection based on Aoki and Rosenzweig be withdrawn.

Furthermore, the Examiner asserts that the combination of Aoki and Rosenzweig is motivated to determine a display pattern, and to allow the user to easily manage or retrieve information (Office Action; page 5, lines 13-19). The Examiner appears to use purported advantages of the individual references as a motivation to combine, without explaining why a person of ordinary skill in the art would be motivated by one reference to suggest a combination with another reference. Additionally, it does not appear that Rosenzweig and Aoki are compatible, since Rosenzweig apparently discloses the objects in a fixed position on a timeline, whereas Aoki displays the objects moveable in an array. Applicants therefore submit that the combination is improper and the rejection should be withdrawn for at least this additional reason.

Serial No. 10/706,617

Independent claims 10, 12, 14, and 20-22 are also directed to representing the attribute by using "a concept of weight". Therefore, for at least the same reasons as claim 1 is allowable, claims 10, 12, 14, and 20-22 are also allowable.

Claims 3-6 and 9 depend from claim 1; claim 13 depends from claim 12; and claim 16 depends from claim 10, and therefore each of these claims is allowable for at least the same reasons as their respective base claims are allowable.

Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being obvious over Aoki and Rosenzweig, and further in view of United States Patent Publication No. 2002/0175896 to Vaananen et al. (hereinafter referred to as Vaananen). Applicants respectfully traverse.

The addition of Vaananen fails to cure the critical deficiency discussed above as regards Aoki applied against the independent claims. Therefore, claims 2 and 11 are allowable for at least the same reasons as their respective base claims, claims 1 and 10, are allowable.

Claims 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being obvious over Aoki and Rosenzweig, and further in view of United States Patent No. 6,340,957 to Adler et al. (hereinafter referred to as Adler). Applicants respectfully traverse.

The addition of Adler fails to cure the critical deficiency discussed above as regards Aoki applied against the independent claims. Therefore, claims 7, 8, and 15 are allowable for at least the same reasons as their respective base claims, claims 1 and 14, are allowable.

New claims 23-25 use the concept "density" instead of the concept of "weight" in three independent claims. As discussed above, support for this feature may be found throughout the specification and figures in the discussion of buoyancy. The concept of buoyancy is discussed in the specification in regards to a heavy object sinking and a light object floating (Specification; figures 1-4). This feature of buoyancy is dependent on the density of the object relative to the

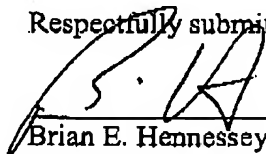
Serial No. 10/706,617

density of the fluid. For example, referring to figure 1, the first sphere 102, which has the highest density (e.g., the data size is largest) is suspended in the water near the water bottom 114. The third sphere 106, which has the lowest density (e.g. the data size is smallest), is floating near the water surface 112. That is the density of the sphere is set in accordance with the attribute value (e.g., the data size) so that whether the sphere has a high density or a low density is represented on a display. Therefore it is respectfully submitted that the concept of density as a substitute for the concept of weight in the claims is supported in the specification. It is further submitted that none of the cited references disclose or suggest the concept of density as symbolically representing an attribute of a file, and therefore, for at least these reasons new claims 23-25 are allowable.

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Brian E. Hennessey
Reg. No. 51,271

CUSTOMER NUMBER 026304
Telephone: (212) 940-8800
Fax: (212) 940-8986/8987
Docket No.: SCEP 20.732 (100809-00225)
BEH:fd